

SENATE BILL 3287
By O'Brien

a*306/1982
a*143/1988
a*1/1991

AN ACT to amend Chapter 313 of the Private Acts of 1949; as amended by Chapter 679 of the Private Acts of 1949; Chapter 398 of the Private Acts of 1951; Chapter 219 of the Private Acts of 1953; Chapter 170 of the Private Acts of 1953; Chapter 55 of the Private Acts of 1961; Chapter 111 of the Private Acts of 1963; Chapter 19 of the Private Acts of 1963; Chapter 366 of the Private Acts of 1968; Chapter 74 of the Private Acts of 1969; Chapter 274 of the Private Acts of 1974, Chapter 138 of the Private Acts of 1975, Chapter 306 of the Private Acts of 1982, Chapter 143 of the Private Acts of 1988, Chapter 1 of the Private Acts of 1991; and any other acts amendatory thereto, relative to the road commission and road superintendent for Hamblen County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 313 of the Private Acts of 1949; as amended by Chapter 679 of the Private Acts of 1949; Chapter 398 of the Private Acts of 1951; Chapter 219 of the Private Acts of 1953; Chapter 170 of the Private Acts of 1953; Chapter 55 of the Private Acts of 1961; Chapter 111 of the Private Acts of 1963; Chapter 19 of the Private Acts of 1963; Chapter 366 of the Private Acts of 1968; Chapter 74 of the Private Acts of 1969; Chapter 274 of the Private Acts of 1974, Chapter 138 of the Private Acts of 1975 Chapter 306 of the Private Acts of 1982, Chapter 143 of the Private Acts of 1988, Chapter 1 of the Private Acts of 1991; and any other

acts amendatory thereto, is further amended by deleting the language in its entirety and replacing it with language to read as follows:

SECTION 1. There is hereby created and established a Road Commission for Hamblen County, Tennessee to consist of seven (7) members who shall qualify from the road district in which they reside and shall be voted for only by the qualified voters of the respective road districts, beginning with the August general election of 1988, and every four (4) years thereafter. Road Commissioners elected from the respective districts shall assume office on September 1, following their election and shall serve for terms of four (4) years.

One (1) member of the county Road Commission shall be elected by the qualified voters of each of the seven (7) county road districts within the county as follows:

Road district one (1) shall consist of county legislative districts one (1) and two (2); road district two (2) shall consist of county legislative districts three (3) and four (4); road district three (3) shall consist of county legislative districts five (5) and six (6); road district four (4) shall consist of county legislative districts seven (7) and (8); road district five (5) shall consist of county legislative districts nine (9) and (10); road district six (6) shall consist of county legislative districts eleven (11) and twelve (12); road district seven (7) shall consist of county legislative districts thirteen (13) and fourteen (14). Such legislative districts shall be as defined by resolution of the county legislative body of Hamblen County adopted on November 16, 1981, in accordance with the reapportionment, which resulted from the 1980 federal census, in order to comply with provisions of Tennessee Code Annotated, Title 5, Chapter 1.

If any Road Commissioner moves his residence from the road district from which he is elected, his office shall thereby be vacated. In such case, and in case of other vacancies occasioned by death, disability resignation or any other case, the county

legislative body shall elect some qualified person from the road district to fill the vacancy for the remainder of the unexpired term.

Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

SECTION 2. Upon attending the regularly scheduled meetings of the Road Commission, the Road Commissioners shall receive as compensation for their services the sum of two hundred dollars (\$200.00) a month, payable out of the road funds of the county, with the exception of the chairman, who shall receive the sum of three hundred fifty dollars (\$350.00) a month, payable out of the road funds of the county.

The members of the Road Commission shall elect one of their members to serve as chairman. A majority of the Road Commission shall constitute a quorum for the conduct of business.

SECTION 3. At the regular August election in 1996, and every four (4) years thereafter a Road Superintendent shall be elected by popular vote by the qualified voters of Hamblen County to serve a term of four (4) years. The Road Superintendent shall assume office on September 1 following the election and shall continue to hold office until a successor is elected and qualified. The candidate receiving the highest number of votes shall be declared elected. The election for such office shall be held in the manner prescribed by general law, except for the first election only to be held in August, 1996, the qualifying deadline shall be no later than twelve o'clock (12:00) noon, prevailing time, on May 23, 1996. The qualifications and salary for Road Superintendent shall be as prescribed by the County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7.

Before entering upon the discharge of his duties, the Road Superintendent shall take and subscribe to an oath that he will perform the duties of his office faithfully and impartially and without prejudice against or in favor to any section of the county or

individual, that he will faithfully and impartially execute and perform all the duties imposed upon him without fear, favor or partiality, that he will honestly and faithfully expend and account for all moneys coming into his hands and honestly and faithfully discharge all duties required of him by law. The Road Superintendent shall execute to the state of Tennessee a good and solvent bond in the amount required by general law.

SECTION 4. (a) The Road Superintendent shall be responsible for the building, repairing and maintenance of the roads in the county. It shall be the duty of the Road Superintendent to go over or travel the roads in the county at least once a month in order to properly ascertain the condition of the roads in each civil district.

Personnel for the Hamblen County Road Department shall be employed upon the recommendation of the Road Superintendent and approved by the Road Commission. All employees of the Hamblen County Road Commission shall be subject to the same personnel policies and procedures which apply to other county employees.

Nepotism within the Hamblen County Road Department is discouraged and shall be kept to a minimum by the Road Commission. The Hamblen County Road Department shall further be subject to any policy on nepotism adopted by the county legislative body of Hamblen County.

(b) In addition to the duties prescribed in subsection (a), the Road Superintendent may be required to oversee the Hamblen County Sanitation Department. Any supplemental salary arising out of and relating to such oversight of the Hamblen County Sanitation Department shall be subject to the approval of the legislative body of Hamblen County.

SECTION 5. The system of fiscal procedure, control and centralized accounting which conforms to generally accepted principles of governmental accounting established for Hamblen County and under the administrative control and direction of the County Executive shall apply to the Road Commission. All expenditures out of the Road Fund shall be made by warrant signed by the Road Superintendent and counter-signed by the

Chairman of the Road Commission. On a not less than monthly basis, the Hamblen County Road Commission shall review and initial each invoice prior to a warrant being issued.

All purchases of supplies, materials, equipment, gas, oil and tires whose total price does not exceed the sum of Five Hundred Dollars (\$500.00) shall be made by the Road Superintendent. All other items whose total purchase price is in the excess of Five Hundred Dollars (\$500.00) shall be made by the Road Commission upon advertising and by taking competitive bids, such bids to be sealed and opened at the time and date according to the advertisement.

The Bookkeeper shall maintain an office at the County Garage, and shall be custodian of all supplies, maps and records. Such office and records shall be open to the public during regular working hours. The Bookkeeper shall keep complete and adequate record of all purchases made, as well as expenditures, and shall submit full and complete reports to the Road Commission whenever required to do so.

SECTION 6. All laws or parts of laws in conflict with this act are hereby expressly repealed.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Hamblen County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Hamblen County and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.